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September 23, 2020

BY ECF

The Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007

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MEMO ENDORSED

Re: *Pacific Life Insurance Company, et al., v. The Bank of New York Mellon*, No. 17-cv-1388 (S.D.N.Y.)

Dear Judge Failla:

On behalf of The Bank of New York Mellon (“BNYM”), we write to request a brief, two-day extension of the deadline to submit motions to exclude expert testimony in light of Yom Kippur, which is observed on September 28, 2020—the current deadline to submit motions to exclude expert testimony. Plaintiffs consent to BNYM’s extension request and the revised briefing schedule provided below.

The parties’ Civil Case Management Plan provides that “any motion to exclude the testimony of experts . . . is to be filed within 30 days of the close of fact or expert discovery, whichever is later.” Dkt. 66 ¶ 14. Fact discovery closed on June 27, 2019. *Id.* ¶ 6(e). Expert discovery closed on August 28, 2020. Dkt. 136 at 3. Thus, the current deadline to submit motions to exclude expert testimony is September 28, 2020. BNYM has not previously requested an extension of the deadline to submit motions to exclude expert testimony.

A two-day extension of the deadline to submit motions to exclude expert testimony would allow BNYM sufficient time to prepare its motions to exclude expert testimony, while also allowing a number of members of the firm representing BNYM to observe Yom Kippur.

In view of the foregoing, BNYM respectfully requests that the Court approve the following revised briefing schedule for the parties’ motions to exclude expert testimony:

- Deadline to submit opening motions to exclude expert testimony: September 30, 2020.
- Deadline to submit opposition briefs in response to any motions to exclude expert testimony: October 14, 2020.
- Deadline to submit reply briefs in further support of any motions to exclude expert testimony: October 21, 2020.

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We thank the Court for its consideration.

Sincerely,

/s/ Christopher J. Houpt
Christopher J. Houpt

Application GRANTED. Briefing for any *Daubert* motions will proceed as follows: Motions and opening papers will be filed on or before October 2, 2020; opposition papers will be filed on or before October 16, 2020; and reply papers will be filed on or before October 23, 2020.

Dated: September 24, 2020
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE